

From: Bloomberg BNA <bloomberg@bna.com>
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Daily Environment Report

June 26, 2017 - Number 121

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Leading the News

Chemicals

EPA Risk Rules Give Parties More Time to Submit Chemical Data

Two final chemical rules the EPA issued June 22 gave manufacturers and other parties more time to submit information to influence whether the agency reviews a chemical's risks and the conclusions it reaches.

Courts

Property Rights Curbed by Top U.S. Court in Development Case

The U.S. Supreme Court dealt a blow to property-rights advocates June 23, ruling that regulators didn't violate the U.S. Constitution when they refused to allow separate houses on adjoining riverfront lots owned by four siblings.

General Policy

Week Ahead: Alaska Senator Has Dual Clout on Environment, Energy

Sen. Lisa Murkowski (R-Alaska), who chairs the Energy and Natural Resources Committee, also has clout on environmental matters—and she'll make her influence felt at a Tuesday hearing that's one of numerous events in those areas during the week of June 26.

News

Chemical Security

Groups Seek Injunction to Halt Chemical Facility Rule Delay

Labor unions and environmental and public health organizations are asking a federal judge to issue an emergency injunction blocking an EPA move to delay new chemical facility safety regulations until 2019.

Chemicals

Better Coordination on Risk Review Tools Needed at EPA: Watchdog

The EPA's Office of Chemical Safety and Pollution Prevention needs better coordination with agency researchers on computer-based tools that are urgently needed to assess chemical risks, the Office of the Inspector General found.

Duty to Indemnify

ASARCO Can't Recoup for Lead Paint Cleanup at Superfund Site

ASARCO can't recover from its insurer any of its costs of cleaning up soil contaminated with lead under a Superfund settlement with the federal government, a New York appeals court ruled (ASARCO LLC v. Superintendent of Fin. Servs. of N.Y., 2017 BL 214178, N.Y. App. Div., 41294/864357N, 6/22/17).

Endangered Species

German Bill May Ease Construction on Land With Protected Species

The lower house of the German Parliament, the Bundestag, passed a bill late June 22 amending the country's Federal Act for the Protection of Nature, making it easier for construction projects to move forward even if they threaten protected species.

Energy

U.K. Told Nuke Plant Subsidies May Spiral Past \$38 Billion

Britain's first new nuclear plant in a generation may cost consumers 30 billion pounds (\$38 billion) or more in higher electricity costs, five times more than ministers had expected, the government's auditor warned.

Enforcement

Ohio Refiner to Pay \$13 Million for Air Pollution Violations

An Ohio petroleum refinery will pay \$1 million in penalties and spend nearly \$12 million on pollution controls and environmental projects for alleged violations of the Clean Air Act.

Enforcement

Plea Bargains Top Agenda of Brazil's New Antitrust Regulator

Ensuring legal security to plea bargain deals signed with companies is the top priority for Brazil's antitrust regulator, its new boss told Bloomberg.

Forests

Norway Slashes Contribution to Anti-Deforestation Amazon Fund

Norway, which has donated more than \$1 billion in the past decade to the Amazon Fund to fight deforestation, will significantly scale back its contribution this year, arguing that Brazil's commitment to environmental protection "might be in retreat."

Mergers and Acquisitions

EnergySolutions, Waste Control Specialists Won't Appeal Merger Block

Valhi Inc., the owner of Waste Control Specialists LLC, said in a statement June 23 that it won't appeal a federal trial court judge's decision to block its merger with rival radioactive waste disposal firm EnergySolutions Inc.

Motor Vehicles

Deal Ending Ford Explorer Exhaust Suit Gets Final OK

Ford Motor Co's nationwide class settlement with owners of 2011-15 Ford Explorers with exhaust problems received final court approval (Knutson v. Ford Motor Co., S.D. Fla., No. 0:14-cv-61344-WPD, 6/20/17).

Pesticides

Arkansas Board Passes Dicamba Ban

The Arkansas State Plant Board voted June 23 to pass a proposed emergency rule to ban the use of in-crop dicamba, with an exemption for pastureland, and to expedite the rule increasing civil penalties for misuse of the common pesticide.

Pesticides

Monsanto Says Roundup False Label Suit Meritless

Monsanto Co. said June 23 it will zealously defend a proposed class suit alleging it falsely advertises Roundup by saying the weed killer's active ingredient, glyphosate, doesn't affect humans or pets (*Blitz v. Monsanto Co.*, W.D. Wis., No. 17-00473, complaint filed 6/20/17).

Renewable Energy

Tembo Power Proposes New Hydro Solution for Congo Copper Mines

Africa-focused energy company Tembo Power Ltd. is proposing a new approach to address the electricity shortfall in the Democratic Republic of Congo.

Renewable Energy

World's Biggest Wind Turbine Maker Sets Sights on New Markets

The chief executive officer of Vestas Wind Systems A/S says the world's biggest wind turbine maker wants to expand in the Middle East and the Asia Pacific region as it taps into growing demand for renewable energy in new markets.

Water Pollution

Pennsylvania Lawmakers Target Water Commission Over Fees

An interstate agency overseeing Susquehanna River water quality is under fire by a group of Pennsylvania State House Republicans who accuse it of regulatory overreach and have vowed to reduce its power and funding.

White House

Tech in One Hand, Overhaul in Other, Trump Tackles Government

President Donald Trump's plans to use new technology to modernize the federal government—claiming \$1 trillion in savings and better services—may outstrip his proposal to overhaul agencies to make them more effective.

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Daily Environment Report for EPA

Duffy, Rick

From: Environmental Law360 <news-q@law360.com>
Sent: Tuesday, June 27, 2017 4:01 AM
To: Duffy, Rick
Subject: [SPAM] The Firms That Won Big At The Supreme Court



Tuesday, June 27, 2017



SUPREME COURT REVIEW

The Firms That Won Big At The Supreme Court

One firm went undefeated at the U.S. Supreme Court this term. Another built on last year's winning streak. And some high court powerhouses took their lumps. Here, Law360 breaks down how the firms most frequently seen at oral arguments performed this term. [Read more »](#)

The Supreme Court Term By The Numbers

Despite a contentious confirmation hearing for Justice Neil Gorsuch, the U.S. Supreme Court term itself was mellow this year, with more unanimous cases and fewer controversial decisions. Still, there were a handful of business rulings that packed a punch. [Read more »](#)

IP Cases Led The Pack In High Court Amicus Briefs

Intellectual property cases took four of the top 10 spots on Law360's ranking of the U.S. Supreme Court cases that attracted the most amicus briefs this term, as disputes involving issues like patent exhaustion and offensive trademarks each generated dozens of amicus filings. [Read more »](#)

TOP NEWS

Supreme Court Won't Review EPA Boiler And Incinerator Rule

The U.S. Supreme Court on Monday refused to consider an electricity wholesaler's bid to strike down the U.S. Environmental Protection Agency's emissions rule for boilers and incinerators, which set standards that the company argued are impossible to meet. [Read more »](#)

Monsanto Can't Nix Calif.'s Add Of Herbicide To Cancer List

The California Supreme Court on Thursday rejected Monsanto Co.'s effort to stay a decision sending the herbicide glyphosate, a key ingredient in the company's Roundup product, to the state's list of cancer-causing chemicals, after a similar stay was rejected by a lower appeals court. [Read more »](#)

High Court Scraps NM Suit Against Colo. Over Gold King Mine



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Bradley Arant
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Cairncross & Hempelmann
Chadbourne & Parke
Cohen Milstein
Comeau Maldegen
Covington & Burling
Davis Polk
Dentons
Earthjustice
Frederick Perales
Fried Frank
Gibson Dunn

The U.S. Supreme Court on Monday rejected New Mexico's attempt to sue Colorado over the Gold King Mine disaster, an incident that sent 3 million gallons of toxic mine water downstream from Colorado into New Mexico. [Read more »](#)

Calif. Appeals Court Orders Sewer System Enviro Review

A California appeals court on Friday ordered an air quality district to complete an environmental review of a sewer system that manages oily water from a rail-to-pipeline transfer terminal owned by Plains All American Pipeline LP, reversing a lower court judgment that said no review was necessary. [Read more »](#)

8th Circ. Won't Revive Spiked \$16M Easement Deduction

A Missouri golf-course-owning partnership still can't claim a \$16.4 million IRS deduction for donating course land for conservation purposes after an Eighth Circuit panel sided with a U.S. Tax Court judge Monday in a published opinion agreeing that existing bank loans compromised the donation's status as "in perpetuity." [Read more »](#)

POLICY & REGULATION

OSHA Floats Pulling Back Some Parts Of Beryllium Rule

The Occupational Safety and Health Administration has proposed pulling back certain protective measures covering workers in the construction and shipyard industries included in its rule limiting workplace exposure to beryllium, a material that can lead to lung disease, though it will leave in place new exposure limits. [Read more »](#)

Top Senate Democrats Call To Lift Gov't Spending Caps

Democratic Senate leaders urged their GOP counterparts to increase both defense and nondefense spending next year, positioning themselves for the latest fight over government funding in a process that is months behind schedule. [Read more »](#)

U.S. Mayors Make Clean Energy Reliance A National Priority

The U.S. Conference of Mayors concluded its annual meeting Monday in Miami Beach, Florida, by announcing its members voted unanimously to make a commitment to moving their cities toward 100 percent use of clean and renewable energy by 2035. [Read more »](#)

Divided Pa. House OKs Controversial Coal Mining Measure

In a move blasted by Democrats as a giveaway to Consol Energy Inc. as the company faces a legal challenge over the environmental impact of its subsidiary's coal mining operations, a divided Pennsylvania House of Representatives approved a bill Monday that would clarify standards for proving mine-related pollution. [Read more »](#)

ENFORCEMENT

Feds, Colorado Accuse Energy Co. Of CAA Violations

The federal government and the state of Colorado on Monday hit PDC Energy Inc. with a lawsuit alleging unlawful emissions from storage tanks in the state in violation of the Clean Air Act. [Read more »](#)

LITIGATION

Court Won't Stop Helicopter, Gun Use In Wis. Recreation Area

Goldberg Segalla
Goldstein & Russell
Hinshaw & Culbertson
Hogan Lovells
Holland & Hart
Hughes Hubbard
Jenner & Block
Kahn Soares
Kasowitz Benson
Kazmarek Mowrey
Kelley Drye
Kessler Topaz
Kirkland & Ellis
Latham & Watkins
Lippes Mathias
Liskow & Lewis
Lloyd Gosselink
Long & Levit
Mayer Brown
McDermott Will
McGuireWoods
Milbank Tweed
Morris Nichols
Morrison & Foerster
Paul Hastings
Paul Weiss
Pepper Hamilton
Perkins Coie
Prickett Jones
Quinn Emanuel
Richards Layton
Ropes & Gray
Sidley Austin
Skadden
Squire Patton Boggs
Susman Godfrey
Van Ness Feldman
Western Environmental Law
Center
Williams & Connolly
WilmerHale
Wilson Sonsini
Young Conaway

COMPANIES
Advocate Health Care Inc.
Allergan PLC

A Wisconsin federal court on Monday declined an environmental group's request to halt three high-impact uses of land at a recreational area, deciding that activities including helicopter training aren't likely to cause permanent harm before the case can be heard on the merits. [Read more »](#)

Enviros Can't Score Win Against Exxon In Chemical Plant Suit

A Louisiana federal judge on Friday refused to confirm that an environmental group has the right to pursue its lawsuit alleging Exxon Mobil Corp.'s Baton Rouge chemical plant violated the Clean Air Act, saying she needs more information before deciding the question. [Read more »](#)

Texas Justices To Review Uranium Mine's Water Quality Deal

The Texas Supreme Court on Friday agreed to review a uranium ore mining company's argument it complied with a settlement to restore Kleberg County water wells to their pre-mining water quality, while the county contends URI used the wrong data to measure a well's baseline quality. [Read more »](#)

DC Circ. Won't Rehear Case On Wind Farm Power Contract

The D.C. Circuit on Friday rejected a request by a wind farm and renewable energy advocates to rehear its decision that upheld the Federal Energy Regulatory Commission's ruling that forced Portland General Electric Co. to purchase the wind farm's power using a method the farm didn't like. [Read more »](#)

9th Circ. Asked For Full Review Of Blocked Logging Project

A logging company and a union on Friday asked the full Ninth Circuit to rethink halting a harvesting project in Roseburg, Oregon, after environmental groups raised concerns over owl protection, saying the ability to bring nonagency appeals of remand orders shouldn't be tied to whether the agency itself has moved for appellate review. [Read more »](#)

Oil Cos. Blast Enviros' Bid To Block NM Drilling Permits

The oil industry urged a federal court Friday to reject environmental groups' bid for a quick win in their challenge to the U.S. Bureau of Land Management's approval of more than 350 permits to drill in New Mexico's Mancos Shale formation. [Read more »](#)

Analysis

Divergence In Materiality Tests Narrower Than It May Seem

Although the Second Circuit last week used strong language when it rejected a First Circuit test for assessing the materiality of certain financial information omitted from company registration statements, experts say the alternative laid out by the court sets an equally high bar for IPO investor suits. [Read more »](#)

Ga. Wants In On Suit Over Water Plan For River Basin

Georgia asked Monday for permission to intervene in a suit challenging the environmental impact statements used to update the U.S. Army Corps of Engineers' plan to manage the Apalachicola-Chattahoochee-Flint River basin, arguing that the state should be involved in a case involving its water usage. [Read more »](#)

DEALS

Real Estate Rumors: JPMorgan, Pacific Urban, Mountain View

J.P. Morgan Asset Management has loaned \$32 million for a Texas multifamily purchase, Pacific Urban Residential has reportedly dropped \$73 million on a California apartment complex, and a California environmental body is now

American Bar Association
American International Group Inc.
American Municipal Power Inc.
American Petroleum Institute Inc.
Amgen Inc.
Apple Inc.
Aurobindo Pharma Limited
BP p.l.c.
Bristol-Myers Squibb Company
CONSOL Energy Inc.
Center for Biological Diversity Inc.
ConocoPhillips
Costco Wholesale Corporation
Dignity Health
Evercore Partners Inc.
ExamWorks Group Inc.
Exxon Mobil Corporation
Facebook
Fannie Mae
Florida Bar Association
Friedman LLP
Goldman Sachs Group Inc.
Google Inc.
Intel Corporation
JPMorgan Chase & Co.
Kraft Foods Inc.
LegalZoom.com Inc.
Leonard Green & Partners LP
Lexmark International, Inc.
Life Technologies Corporation
McKesson Corporation
Monsanto Company
National Association of Attorneys General
National Wildlife Federation
Natural Resources Defense Council
New Jersey State Bar Association
New York Times Co.
New York University
Novartis AG
Plains All American Pipeline, L.P.
Planned Parenthood Federation
Portland General Electric Co.
Promega Corp.
R-T Specialty LLC

recommending that far fewer apartments be built in Silicon Valley's North Bayshore area. [Read more »](#)

EXPERT ANALYSIS

2 Diverging Standards On Disclosing Interim Financial Info

With the Second Circuit's opinion in *Stadnick v. Vivint Solar*, we now have a situation where two federal appellate courts have promulgated differing standards to determine when companies making initial public offerings must disclose interim financial information. The question is whether we have a "split between the circuits" of the kind that might attract the attention of the U.S. Supreme Court, says Kevin LaCroix of RT ProExec. [Read more »](#)

State AGs Responding To Trump Policies: 3 Areas To Watch

The federal government's unfolding enforcement priorities have galvanized state attorneys general into action. We expect this trend to continue, say attorneys with Akin Gump Strauss Hauer & Feld LLP. [Read more »](#)

Bucking Tradition: NewLaw And The Coming Millennials

What law firms should be learning from a number of recent surveys is that they will not be able to rely on the never-ending flood of associate candidates their business model demands as long as they require them to dedicate all day, most nights, every weekend and all holidays to firm business, says Jill Dessalines, founder of Strategic Advice for Successful Lawyers and former assistant GC at McKesson Corp. [Read more »](#)

LEGAL INDUSTRY

Analysis

Dentons' Low-Tech Email Breach Shows Firms' Vulnerability

The arrest Thursday of a former Dentons litigation associate for allegedly trying to extort firm partners using information taken from a superior's email account cast a spotlight on how even the most robust cybersecurity measures can fall short if basic good practices are not maintained. [Read more »](#)

3 Reasons Litigators Fear the Calif. Gibson Dunn DQ Ruling

The California Supreme Court's recent refusal to take up the disqualification of Gibson Dunn & Crutcher LLP amid a privilege dispute in a malpractice litigation has experts worried the case will create a new privilege minefield and invite sanctions for long-accepted practices around waivers and otherwise confidential materials shared with nonlawyers. Here, Law360 looks at three reasons litigators find the California disqualification opinion troubling. [Read more »](#)

Kushner Taps Chadbourne's Abbe Lowell In Russia Probe

Jared Kushner added top white collar defense lawyer Abbe Lowell of Chadbourne & Parke LLP to his legal team in the ongoing U.S. Department of Justice and congressional probes over alleged ties between Russian election meddling and the Trump campaign, Law360 confirmed Monday. [Read more »](#)

Paul Hastings To Pay \$46.5M In Deal To End ExamWorks Suit

The Delaware Chancery Court is set to consider in September an \$86.5 million deal settling the challenge to Leonard Green & Partners \$2.2 billion purchase of ExamWorks Group Inc., with Paul Hastings LLP, accused of aiding and abetting alleged fiduciary duty breaches, responsible for \$46.5 million of that amount. [Read more »](#)

Samsung Electronics Co. Ltd.
Sanofi-Aventis
Sierra Club
The Blackstone Group L.P.
Twitter Inc.
Vivint Solar Inc.
WPX Energy Inc.
White Castle Management Co.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Land Management
California Environmental Protection Agency
Consumer Financial Protection Bureau
Delaware Court of Chancery
Executive Office of the President
Federal Bureau of Investigation
Federal Energy Regulatory Commission
Federal Trade Commission
Internal Revenue Service
Louisiana Department of Environmental Quality
National Labor Relations Board
Navajo Nation
New York Attorney General's Office
New York State Senate
Occupational Safety and Health Administration
Securities and Exchange Commission
U.S. Army
U.S. Department of Defense
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Supreme Court
Wisconsin Department of Natural Resources

Preet Bharara To Host Podcast At Brother's Media Firm

Ex-U.S. Attorney Preet Bharara surprised legal and media communities on Monday when he revealed he's taking his tweets to the next level by joining his brother Vinit's media company Some Spider Studios as an executive vice president and podcast host. [Read more »](#)

NJ Ethics Committees Bar Attys From Legal Services Sites

A trio of New Jersey ethics committees has barred Garden State lawyers from using legal services companies Avvo, Rocket Lawyer and LegalZoom after ruling that they have violated professional conduct rules. [Read more »](#)

Ropes & Gray Unveils Name For New Patent Prosecution Firm

Ropes & Gray LLP has a name and two lead partners for its new patent prosecution and intellectual property rights management spinoff, the firm said Monday, bringing it a step closer to launching its new venture with 100 attorneys and staff, including a merger with boutique Shvarts & Leiz LLP. [Read more »](#)

Plaintiffs Bar Perspective: Susman Godfrey's Matthew Berry

Cases are typically decided based on a relatively small number of key issues. It is critical not only to identify those key issues at the outset of the case, but to also plot a strategy for getting them resolved in your favor, says Matthew Berry of Susman Godfrey LLP. [Read more »](#)

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Energy & Environmental Litigation Staff Attorney
Hunton & Williams LLP
Charlotte, North Carolina

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Leading the News

Climate Change

Trump's Paris Withdrawal Leaves U.S. Isolated on World Stage

Heads of state from 19 of the world's largest economies isolated U.S. President Donald Trump for withdrawing from the Paris climate accord and said their disapproval would not abate in the years to come.

Pesticides

Herbicide Makers Say They'll Work With Missouri After Dicamba Ban

The Missouri Department of Agriculture said it hopes to be able to lift its ban on the herbicide dicamba as early as this week, a restriction it ordered after complaints that use of the weed killer by some farmers was damaging crops in adjacent fields.

Water Pollution

House Tries to Speed Up Water Rule Rollback by Waiving Procedure

Speeding up the rollback of the Obama-era Clean Water Rule by circumventing the normal rulemaking process is the goal of a provision in the energy and water spending bill the House Appropriations Committee will consider July 12.

News

Chemicals

Advocates Could Sue EPA, Companies Over Solvent Data

Environmental advocates are threatening lawsuits against seven chemical makers and the EPA to improve information about a solvent the agency could regulate.

Chemicals

EPA Issues First Chemical Controls Under Amended Law

The EPA released its first batch of 29 rules setting controls on using new chemicals under the amended chemicals law.

EPA

Environmentalists Tell EPA: Do Not Delay Methane Rule

Oil and gas companies should comply with the EPA's methane limits even as the agency reconsiders the rule, environmentalists said at a July 10 hearing in Washington.

Energy

Correction

An article, "Release—Finally—of Appliance Efficiency Standards Applauded," incorrectly identified an April 3 notice of intent to sue as a lawsuit. The online version has been corrected.

Energy

Former FERC Commissioner Honorable Joins Reed Smith

Global law firm Reed Smith LLP jumpstarted its new Federal Energy Regulatory Commission team with the addition of former Commissioner Colette Honorable.

Energy

France's Utility May Have to Shut 17 Nuclear Reactors

Electricite de France SA, the state-controlled operator of 58 nuclear reactors, may have to shut as many as 17 to fulfill government plans to reduce the share of atomic power in France's electricity output to 50 percent by 2025, Ecology Minister Nicolas Hulot said.

Energy

Ohio EPA Urges Suit Against Energy Transfer for Pipe Cleanup

Ohio EPA is taking the unusual step of urging the state to sue a pipeline construction company that allegedly spilled two million gallons of drilling mud and is ignoring the agency's directives.

Food

General Mills Must Face Groups' Suit Over Glyphosate Residue

General Mills, Inc. must face, for now, a suit alleging it deceptively touts Nature Valley granola products as "100 percent Natural Whole Grain Oats" when they contain detectable levels of the weed-killer chemical glyphosate (Organic Consumers Ass'n v. General Mills, Inc., D.C. Super. Ct., No. CA 6309, 7/6/17).

Formaldehyde

Lumber Liquidators Class Complaint Survives Dismissal Bid

A would-be class action against Lumber Liquidators Inc. largely survived a bid by the company to dismiss fraudulent concealment and breach of warranty claims July 7 (In re Lumber Liquidators Chinese-Manufactured Flooring Durability Mktg. & Sales Practice Litig., 2017 BL 235267, E.D. Va., No. 16-md-2743, 7/7/17).

Motor Vehicles

VW's Porsche Brand Probed as Diesel Fraud Scandal Spreads

Volkswagen AG's Porsche brand faces a formal probe by German prosecutors as the diesel-emissions scandal spreads to VW's iconic sports-car maker.

Pesticides

EPA Pesticide Fee Reserve Growing: Inspector General

The EPA is sitting on a growing reserve of pesticide company fee money, according to the agency's inspector general.

REACH

EU Chemicals Agency Tags Environmental Contaminant Ban

The European Chemicals Agency added a substance used in soft plastics to a list of hazardous chemicals that could be prioritized for phaseout under the European Union's REACH regulation.

Regulatory Policy

'Disingenuous' to Deregulate on Appropriations Bills: Analyst

The House Appropriations Committee has been reporting out bills that would deregulate as well as fund the federal government, but one long-time budget analyst said such a strategy is intended only to get the spending bills through the House, after which the regulatory riders will most likely fall away.

Regulatory Policy

Rao Confirmed Easily as Trump's Regulatory Chief

Neomi Rao was confirmed easily by the Senate July 10, in a bipartisan 54-41 vote, to be President Donald Trump's chief regulatory officer and leader of the administration's efforts to deregulate and streamline rules.

Renewable Energy

Shell Plans to Spend \$1 Billion a Year on Clean Energy by 2020

Royal Dutch Shell Plc plans to spend as much as \$1 billion a year on its New Energies division as the transition toward renewable power and electric cars accelerates.

Renewable Energy

Wall Street Sours on \$9 Billion Mechanism for Green Projects

Wall Street investors have gone cold on one of the main mechanisms banks invented to fund the green-energy revolution.

Toxic Substances

EU to Amend Rules for Import, Export of Hazardous Chemicals

A European Commission initiative published July 7 would amend a European Union regulation that sets out rules for companies importing and exporting hazardous chemicals to include 11 new chemicals that the bloc recently restricted or banned.

Water Pollution

Correction

The June 6 articles, "Ex-NASA Official, Lobbyist Joins EPA's Water Office," and "Petroleum Institute Lawyer Picked for EPA Legal Counsel" mischaracterized the lobbying activities of Lee Forsgren, EPA's new deputy assistant administrator for the EPA Office of Water. He did not lobby for pipeline projects, but his firm HBW Resources did. He lobbied for the Miccosukee Tribe of Indians of Florida until the end of 2016. The online versions of the stories have been ...

Water Pollution

Delaying EPA Power Plant Discharge Limits Sparks Debate

Power plants want the EPA to delay their deadline for meeting new discharge limits on toxics in wastewater, saying they need more time to plan, construct, and test controls.

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Leading the News

Budget

Appropriations Bill Advances With Cuts for EPA, Interior

A spending bill with cuts for environmental and public lands agencies was approved July 12 by a House subcommittee, over Democratic objections that the cuts were too big.

Water Resources

Drought Bill Passes House, Draws Ire of Top California Democrats

The Republican-led House July 12 passed a bill that would streamline water project permitting and take other actions to alleviate drought in California, but the state's top Democrats see it as a threat to state sovereignty and are vowing to kill it in the Senate.

News

Air Pollution

Ozone Standards Delay Illegal, Advocates Argue in Lawsuit

Postponing decisions under the EPA's new ozone pollution limits for a year is illegal, a dozen environmental and public health groups said in a lawsuit.

Air Pollution

Senate Panel Votes to Reauthorize Diesel Grant Program

The Senate Environment and Public Works Committee approved bipartisan legislation to reauthorize a popular federal clean air program that targets emissions from older diesel engines.

Biotechnology

App Links Chinese Farmers With Pesticide-Dropping Drones

Chinese farmers can now order drone-sprayed pesticides and fertilizers via a smartphone app.

Biotechnology

Genetically Modified Soybean to Get EU Okay Despite Split Vote

A genetically modified soybean will soon be allowed to be imported into the European Union, despite an inconclusive vote of the bloc's member countries July 12 and a negative European Parliament opinion, the European Commission told Bloomberg BNA.

Brownfields

Senate Brownfields Bill With Added Liability Relief Advances

New bipartisan brownfields legislation in the Senate could let some entities off the hook for contaminated site cleanup, while allowing more parties to become prospective site purchasers.

Budget

Energy Innovation Agency Told to Work on Despite Budget Cuts

The Energy Department's program to invest in innovative energy technologies should keep working even though it's in line for elimination, a House appropriator said.

Chemical Security

Chemical Safety Board Avoids Funding Cut in House—For Now

House lawmakers' decision to leave the U.S. Chemical Safety Board's funding flat in fiscal 2018 is a small reprieve after the White House proposed eliminating the agency earlier this year.

Chemicals

EPA to Release New Chemical Control Rules Within Month: Official

The EPA will release new chemical control rules within the next month, clearing part of the logjam of company requests to register new chemicals, an agency official told Bloomberg BNA July 12.

Climate Policy

Australian States Seek Zero Carbon Emissions Absent Federal Plan

Another Australian state has committed to net-zero greenhouse emissions by 2050, meaning most of the country's economy now operates under that goal despite the absence of a federal policy.

Climate Policy

EU, the Number 20 in G-20, Finds Its Voice as U.S. Waffles

At global summits, national leaders like Donald Trump, Vladimir Putin, Xi Jinping, or Angela Merkel typically get the bulk of the attention. During last week's Group of 20 meeting in Hamburg, a more faceless entity—the European Union—took the lead, especially on trade and climate change.

EPA

Senate Environment Panel Approves EPA Enforcement Nominee

A Senate committee narrowly approved the nomination of Susan Parker Bodine to serve as EPA's assistant administrator for the Office of Enforcement and Compliance Assurance.

Endangered Species

Interior Picks Hint at Lesser Focus on Endangered Species

President Donald Trump's picks to fill open spots at the Interior Department may indicate endangered species protections will be less of a priority, according to environmental advocates.

Energy

Bill to Boost Carbon Capture Tax Credit Resurfaces in Senate

The recent collapse of high-profile carbon capture project at Mississippi's Kemper plant isn't deterring Senate lawmakers from pushing forward with a new policy to provide an incentive for that technology.

Energy

Nuclear Regulatory Commission Nominees Clear Senate Panel

Two nominees for the Nuclear Regulatory Commission cleared the Senate Environment and Public Works Committee June 29.

Energy

Trump Picks Banker, Executive as Energy Undersecretaries

President Donald Trump's pick to be the Energy Department's third-ranking official is an energy attorney and executive at an energy company in which billionaire Warren Buffett's Berkshire Hathaway Inc. has a controlling stake.

Food

General Mills Dodges Label Suit Over Pesticide Residue

General Mills, Inc. July 12 dodged would-be class suits alleging it deceptively labels Nature Valley granola products as "natural" when they contain trace amounts of the weedkiller chemical glyphosate (In re General Mills Glyphosate Litig., D. Minn., No. 16-2869, 7/12/17).

Fuel Efficiency

Australia Drive for Stricter Fuel Efficiency Angers Automakers

The Australian government is considering a fuel efficiency standard for new light vehicles that has angered the association representing companies including Toyota, Volkswagen and Ford, but pleased climate advocacy groups.

Hazardous Waste

Tennessee Hazardous Waste Handler Admits to Testing Fraud

An Oak Ridge, Tenn.-based manufacturing company admitted July 11 to fraudulent hazardous material certifications for devices it shipped and agreed to pay \$500,000 in remediation and fines.

NAFTA

Texas Lawmaker Sees NAFTA Labor Provisions Attracting Votes

A vote on a modernized North American Free Trade Agreement (NAFTA) will attract more Democrats than past trade deals since NAFTA 2.0 will contain upgrades to labor and environmental provisions, Rep. Will Hurd (R-Texas) said. "There's going to be a labor section in NAFTA," Hurd said, adding that pro-trade Democrats who view labor and environment as critical pieces in trade deals will "probably be happy with it." The pre-election rhetoric on NAFTA was in line with ...

Natural Resources

Utah's National Monument Stance Sends Trade Show to Colorado

Utah's perceived hostile stance against federal public lands designation spurred The North Face, Patagonia, REI and other outdoors recreation companies to urge a retailer association to move three major trade shows from Salt Lake City to Denver, an officer for The North Face told Bloomberg BNA.

Oil & Gas

Billion-Barrel Mexican Find Could Spur Rush on Next Oil Auctions

A billion-barrel crude discovery in Mexico could be just the lure the country badly needs to boost investment from oil majors as it lacks the wherewithal to reverse years of sagging output.

Pipeline Safety

Transportation Agency to Audit Pipeline Safety Research

The Department of Transportation is reviewing its communications on pipeline safety and use of outside research through an audit, it announced July 12.

Regulatory Policy

House Panel Moves to Repress 'Back-Room' Rulemaking

"Sue and settle" rulemaking by federal agencies, carried out without public input or knowledge, would be abolished under a bill approved by a House panel July 12.

Renewable Energy

Solar Power Gets \$46 Million Boost From Energy Department

The Energy Department awarded \$46.2 million in research grants to improve solar energy technologies and reduce costs to 3 cents per kilowatt-hour by 2030.

Shareholder Activism

NRG to Shed Up to \$4 Billion of Assets on Elliott Pressure

NRG Energy Inc., the U.S. power generator facing pressure from billionaire investor Paul Singer, rose the most in almost nine years after announcing plans to shed as much as \$4 billion of assets.

Toxic Torts

Correction

A story that ran in Daily Environment Report July 12 on a proposed class settlement involving a 2014 chemical spill into West Virginia's Elk River incorrectly said the settlement had been approved. The story has been corrected and reflects concerns the court said would have to be addressed prior to approval.

Vehicle Fuels

Markup on Ethanol Boost Could Come Before August Recess

A committee vote on legislation to boost ethanol sales could take place before the August recess, a spokeswoman for Sen. Chuck Grassley (R-Iowa), the chief ethanol proponent in the Senate, told Bloomberg BNA.

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Daily Environment Report for EPA

From: Bloomberg BNA <bloomberg@bna.com>
Sent: Thursday, July 13, 2017 7:33 PM
To: Duffy, Rick
Subject: July 14 -- Daily Environment Report

**Bloomberg
BNA**



Daily Environment Report

July 14, 2017 - Number 134

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Leading the News

Chemicals

Acting EPA Chemicals Chief to Retire, Leaving Leadership Vacuum

The top official in the EPA's chemicals and pesticides office will retire Aug. 24, according to an email obtained by Bloomberg BNA.

Endangered Species

Supreme Court Asked to Review Scope of Habitat Protections

The Supreme Court has been asked to decide how far a federal agency can go in designating critical habitat for a protected species—specifically, whether the designation can include private land where the species does not exist, cannot currently exist, and may never exist.

Energy

Manchin Aims to Tack Appalachian Ethane Hub on Energy Bill

West Virginia Sen. Joe Manchin (D) is ready to take a stab at creating an ethane storage hub in Appalachia that could break ground for more ethane use nationwide, while boosting manufacturing in the region.

Special Report

Pesticides

World's Top Weed Killer Can't Shake Lingering Cancer Questions

Every year, farmers spray, on average, almost a pound of the herbicide glyphosate on every acre of cropland in the U.S., and nearly half a pound on every acre of cropland worldwide. Glyphosate is the active ingredient in Roundup, a huge source of income for its manufacturer, Monsanto Co., and the foundation for its epochal foray into genetically modified organisms. If

you know nothing else about GMOs and Monsanto, know this: The St. Louis-based company re-engineered the DNA of corn, ...

News

Agriculture

Brazil Ownership Law Could Fuel Land Grabbing: Environmentalists

A new Brazil law that lets squatters buy public land they've occupied and gives them legal standing in land disputes will fuel deforestation and land-grabbing, especially in the embattled Amazon rainforest, environmental groups claim.

Chemical Testing

Chemical Makers Urge EPA to Accept Non-Animal Safety Data

Chemical manufacturers want the EPA to be more receptive than they say the European Chemicals Agency has been in accepting chemical safety data derived from non-animal tests.

Climate Regulation

Methane Emissions Standards Frozen Again as EPA Mulls Appeal

The EPA has two weeks to decide whether it will appeal a ruling that forced it to reinstate methane limits for new oil and gas wells after a federal appellate court reversed course.

Coal Mining

Elon Musk Exposes Deep Coal Divide in Energy-Strapped Australia

Elon Musk's intervention in Australia's energy crisis is widening a divide over the future of coal.

Contribution

Noranda Mining Wins Stay of Asarco Superfund Case

A federal court in Utah called a time-out July 11 in long-running Superfund litigation between Asarco LLC and Noranda Mining Inc. over waste from a Utah mine (Asarco, LLC v. Noranda Mining, Inc., 2017 BL 238412, D. Utah, No.12-cv-00527, 7/11/17).

Energy

Russia Sanctions Bill Stalled by GOP Over Energy Provisions

House Republicans are throwing up new roadblocks to a Russia and Iran sanctions bill over concerns from the energy industry that a provision could block U.S. companies from lucrative foreign oil deals.

Energy

U.S., China Immersed in Talks on LNG Export, Energy Issues

U.S. Secretary of Energy Rick Perry advanced the prospect of expanding American liquefied natural gas exports to China during a July 13 meeting with Executive Vice Premier Zhang Gaoli in Beijing.

Enforcement

Ex-Newark Watershed Manager Sentenced for Kickback Scheme

A former manager for a nonprofit that oversaw Newark, New Jersey's water supply was sentenced to eight years in prison for taking kickbacks uncovered by U.S. prosecutors investigating the bankrupt entity's activities.

International Climate

Trump Wants to Steer UN Climate Cash Toward Coal Plants

The U.S. will seek to use a United Nations fund designed to aid nations hard hit by climate change to promote the construction of coal-fired power plants around the world.

Motor Vehicles

Daimler Called to German Committee Probing Diesel Emissions

Daimler AG executives were called to a German government committee looking into possible diesel-emissions cheating following a Sueddeutsche Zeitung report that prosecutors are focusing attention on two engines that power its popular Mercedes-Benz sport utility vehicles.

Natural Resources

Reviews End for Two (Uncontroversial) National Monuments

Interior Secretary Ryan Zinke isn't recommending any changes to the Craters of the Moon National Monument in Idaho and the Hanford Reach National Monument in Washington, the department said July 13.

Oil & Gas

Trump Administration Approves Eni's Arctic Oil Drilling Plan

The Trump administration has conditionally approved Eni SpA's plan to drill up to four oil exploration wells in Arctic waters, with the activity launched from a gravel island in the Beaufort Sea.

Pesticides

Missouri Lifts Ban on Herbicide Dicamba

The Missouri Department of Agriculture July 13 relaxed its temporary ban on dicamba, an herbicide at the center of a growing controversy over claims that it is responsible for crop damage in fields adjacent to where it is used.

Pesticides

Monsanto Roundup Documents Sought by European Lawmakers

European lawmakers asked a U.S. judge overseeing litigation against Monsanto Co. to help them evaluate the risk that the company's Roundup weedkiller may be linked to cancer in humans.

Regulatory Policy

Trump Tests Legal Limits by Delaying Dozens of Obama's Rules

It typically takes years for presidents to kill federal regulations they dislike, but Donald Trump has found a shortcut: He's just putting them on long-term hold.

Renewable Energy

Booming Wind, Solar to Erode Gas Demand in Americas, IEA Says

A surge in power from wind, solar and other renewable sources will begin chipping away at natural gas demand growth in the Americas over the next five years, according to the International Energy Agency.

Stormwater

Massachusetts Cities Get Stormwater Permit Relief for a Year

More than 200 small cities and towns, as well as home builders in Massachusetts, will get a year's relief from complying with a federal stormwater permit, while federal courts resolve the three separate challenges filed against it.

Sustainability

Green Bonds Face EU Litmus Test Under Sustainable Finance Rules

The European Commission backed recommendations to curb climate risk that could include European Union labels for green bonds and preferential treatment for ecologically sustainable investments.

Trade

China Seeks Cooperation on Trade, Technology With U.S. States

Chinese President Xi Jinping called for closer trade ties with individual U.S. states July 12 in a meeting with California Gov. Jerry Brown in Beijing.

Water Infrastructure

Water Infrastructure Bill Approved by House Subcommittee

A low-interest loan program to improve drinking water systems drew support from a House subcommittee, despite some concerns raised by members on both sides of the aisle.

Practitioner Insights

Chemicals

Practitioner Insights: TSCA Implementation in the Eye of the Hurricane

I would like to put the TSCA implementation actions taken to date into the broader context of our current political situation.

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Daily Environment Report for EPA

From: Bloomberg BNA <bloomberg@bna.com>
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To: Duffy, Rick
Subject: July 21 -- Daily Environment Report

**Bloomberg
BNA**



Daily Environment Report

July 21, 2017 - Number 139

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Leading the News

Chemicals

EPA Weighs Changing Chemical Data Reporting Rules

The EPA may revise a regulation used to collect chemical production volume and other information from chemical manufacturers, according to an updated spring regulatory agenda it released July 20.

Climate Regulation

EPA Air Agenda Mum on Fate of Biggest Climate Rules

The EPA put its methane standards on an immediate chopping block but did not say when it will address carbon dioxide limits for power plants or whether it will repeal the scientific finding underpinning all climate change rules.

Energy

Energy Department Weighs Market Approach for Efficiency Rules

The Energy Department for the first time may modify its appliance and equipment energy conservation standards program by adding a market-based mechanism similar to fuel standards for automakers, according to the spring 2017 regulatory agenda.

Regulatory Policy

Delay of Farmworker Protection Rule Could Be Announced Soon

The EPA will extend the deadline that state agriculture agencies are facing to meet new rules shielding farmworkers from pesticide exposure.

Water Pollution

Proposed Rewrite of Wetlands Rule Expected by December, EPA Says

Rewriting rules that clarify the geographic scope of the Clean Water Act and limit toxic

wastewater releases from power plants top the EPA's agenda on water-related regulations released July 20.

News

Air Pollution

Lawsuit Targets 'Unenforceable' Texas Air Pollution Permits

Texas issued "unenforceable" air pollution permits to petroleum refineries and a power plant, environmental groups said as they seek to force the EPA to require additional pollution controls.

Air Pollution

VW Agrees to Pay California \$153.8 Million More in Diesel Case

Volkswagen has agreed to pay California an additional \$153.8 million for violating state air quality rules stemming for its use of illegal emissions defeat devices in some diesel cars.

Chemical Security

Federal Chemical Security Effort Evolves to Compliance

Department of Homeland Security inspections of workplaces handling dangerous chemicals have entered a new stage with inspectors conducting follow-up checks to see if sites are providing the protections employers promised, an agency official said July 20.

Chemicals

Small Businesses Praise Effort to Stop EPA's Solvent Rules

Small companies in America's heartland welcomed a House committee's effort to block the EPA from restricting the use of three solvents and possibly forcing them to close their doors.

Climate Change

Emissions Trading Key to South Korea's Climate Agenda

South Korea's new president will rely heavily on the country's nascent cap-and-trade program and a plan to quadruple renewable energy to meet greenhouse gas reduction goals, the country's climate change ambassador told Bloomberg BNA.

Coastal Zones

Israeli Lawmakers Decline to Close Beach Protection Loophole

Israeli lawmakers narrowly rejected an effort to ban new construction within about 100 yards of the country's coastline.

Energy

\$38.4 Billion Energy, Water Funding Bill Clears Senate Panel

The Senate Appropriations Committee approved a \$38.4 billion fiscal year 2018 funding bill for the Energy Department, U.S. Army Corps of Engineers, and related agencies.

Energy

Oregon Land Use Board Halts Portland Fossil Fuel Terminal Ban

Portland said it might appeal an Oregon land use board's ruling that the city's ban on new or expanded terminals holding more than 2 million gallons of fossil fuel is unconstitutional.

Energy

Russia Sanctions Energy Rewrite Stokes Cross-Capitol Clash

Plans to scale back energy restrictions in a House version of a new Russia sanctions bill are already facing pushback across the Capitol.

Enforcement

Exxon to Challenge Treasury Finding It Violated Russia Sanctions

Exxon Mobil Corp. says it is legally challenging a \$2 million fine assessed against it by the U.S. Treasury Department for "egregious" violations of sanctions against Russia when now-Secretary

of State Rex Tillerson was chief executive.

Enforcement

Former Justice Official Joins Katten Environment, Safety Team

Natalia Sorgente, a former associate deputy U.S. attorney general and former chief of staff at the Justice Department's Environment and Natural Resources division, has joined Katten Muchin Rosenman LLP as a partner in its environmental and workplace safety litigation practices, the firm announced July 20.

Forests

Germany to Review Amazon Fund Support Over Brazil Forest Bill

Germany will reassess its donations to a Brazilian anti-deforestation fund if Congress approves a government-sponsored bill to reduce protections of a large national forest in the Amazon.

Motor Vehicles

Chrysler Touting Minivan's Electric Plug, but Only in California

Fiat Chrysler Automobiles NV has taken a curious approach to marketing the only minivan in the U.S. that can run on a rechargeable battery: just call the Pacifica model a hybrid, and leave out the plug-in part.

Natural Resources

Bill to Greenlight Road Through Alaska Refuge Passes House

A road project through an Alaskan wildlife refuge that the Obama administration shelved has cleared the House in what could be the first big step toward jump-starting the King Cove roadway, a move long sought by Alaska's congressional delegation.

Natural Resources

Energy Industry Praises Trump Interior Pick's Alaska Background

President Donald Trump's pick to oversee land management and resource development at the Interior Department will use his Alaska land-management experience to accelerate U.S. energy production, industry groups and colleagues say. Trump on July 19 announced his intention to nominate Joseph Balash, who serves as the chief of staff to Sen. Dan Sullivan (R-Alaska), as the assistant secretary for land and minerals management.

Oceans

A Coral Reef Gets an Insurance Policy of Its Own

In the waters off Mexico's Caribbean coast, an insurance giant is about to test a new line of business, one designed to outperform governments in preparing for climate change—and create a fresh source of revenue.

Oil & Gas

Gas Field That Sprung Biggest Leak in U.S. History Set to Reopen

Almost two years after the biggest gas leak in U.S. history sprung from a Sempra Energy natural gas storage field in Southern California, the state is ready for the complex to reopen.

Oil & Gas

Oil and Gas Companies Complying With Colorado's Pipeline Order

Anadarko Petroleum Co. is shutting down more than 5,600 pipelines following a fatal home explosion three months ago in Firestone, Colo. caused by a severed natural gas line connected to one of the company's vertical wells, a company official told Bloomberg BNA.

Pesticides

EU Pressures Countries to Decide on Glyphosate Reauthorization

The European Union floated the possibility that manufacturers of pesticides containing glyphosate could lose access to the EU market after 2017 if the bloc's member countries are unable to agree on a reauthorization for the chemical.

Pesticides

Federal Ban—and Anti-Pot EPA—Has States, Firms Scrambling

With the stroke of a pen under a brown EPA seal, Administrator Scott Pruitt took a definitive stance on the agency's view on marijuana.

Regulatory Policy

Energy, Interior Nominees Get Mostly Friendly Reception

Nominees for Energy Department and Interior Department posts received a mostly friendly nomination hearing July 20 amid questions over spending and changing management within the Trump administration.

Toxic Substances

KBR, Halliburton Win Dismissal of Vets' Burn Pit Claims

KBR and Halliburton are not liable to veterans of the wars in Iraq and Afghanistan for injuries allegedly caused by the contractors' disposal of hazardous waste in burn pits, the District of Maryland ruled (*In re KBR, Inc., Burn Pit Litigation*, 2017 BL 250226, D. Md., No. 09-md-2083, 7/19/17).

Water Infrastructure

EPA Water Fund's Expansion Looks Likely on Capitol Hill

Congress appears increasingly likely to expand the EPA's primary drinking water infrastructure fund after lawmakers from both parties and in both chambers expressed support.

Water Pollution

EPA's Clean Water Act Enforcement Moves to the Suburbs

A Cleveland suburb will see its sewer rates quadruple as the EPA targets smaller cities for Clean Water Act enforcement.

Webinar: TSCA Hot Topics

Bloomberg BNA and Bergeson & Campbell PC present a free webinar, "TSCA Hot Topics: Inventory Reset and Strategies for Complying, and Update on Section 5," with a panel of former EPA officials and seasoned regulatory professionals discussing how to prepare for TSCA Inventory Reset deadlines and an update on EPA's progress regarding the premanufacture notification decision backlog. Speakers include Lynn Bergeson, managing partner of Bergeson & Campbell PC; Charles M. ...

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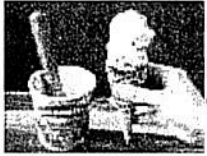
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Daily Environment Report for EPA

Duffy, Rick

From: MSN.com - Hotmail, Outlook, Skype, Bing, Latest News, Photos & Videos
Posted At: Wednesday, July 26, 2017 10:58 AM
Conversation: Ben and Jerry's faces boycott threats after study finds weedkiller ingredient in ice cream
Posted To: MSNBC News
Subject: Ben and Jerry's faces boycott threats after study finds weedkiller ingredient in ice cream



Ben & Jerry's Ben & Jerry's — a brand famous for its quality and eco-friendly practices — is under fire after a test uncovered a controversial ingredient in its ice cream. The Organic Consumers Association (OCA) found glyphosate,...

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Ben and Jerry's faces boycott threats after a new study uncovers a major ingredient in weedkillers in ice cream

Business Insider

Kate Taylor

7/25/2017

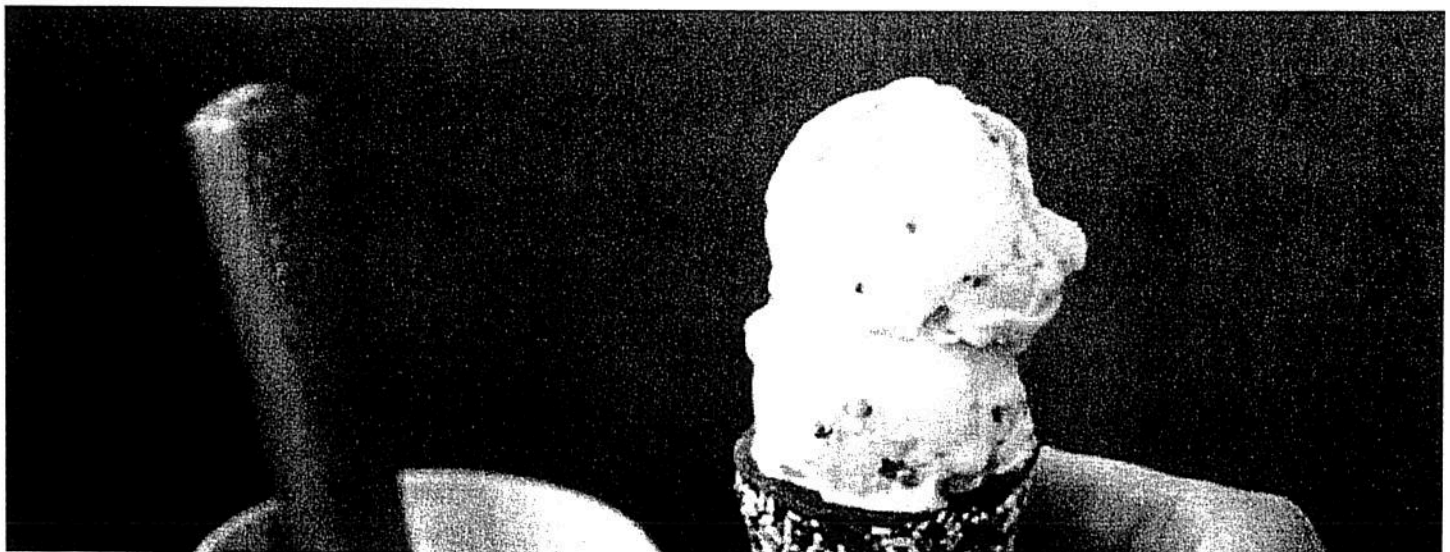
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© Provided by Business Insider Ben & Jerry's

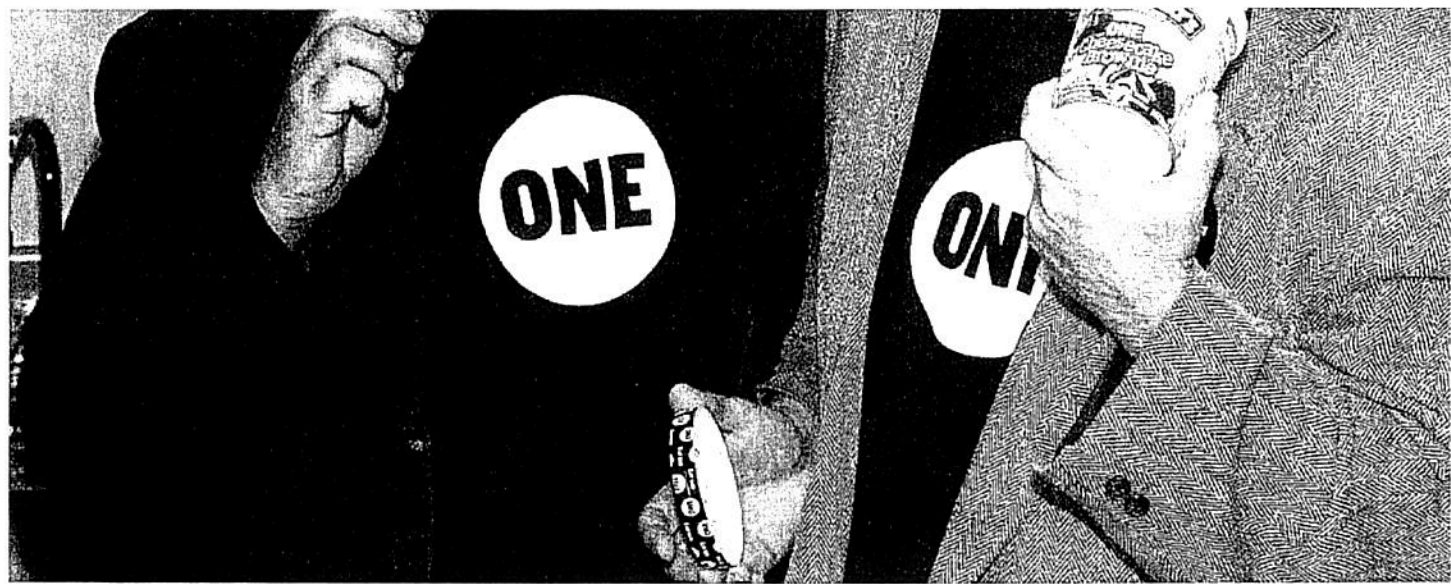
Ben & Jerry's — a brand famous for its quality and eco-friendly practices — is under fire after a test uncovered a controversial ingredient in its ice cream.

The Organic Consumers Association (OCA) found glyphosate, the main ingredient in weedkillers like Roundup, in 10 out of 11 samples of the company's ice cream flavors, the New York Times reported on Tuesday.

While the levels of glyphosate were well below the legal limit set by the Environmental Protection Agency, the Organic Consumers Association argues that any presence of the pesticide product is misleading and potentially dangerous.

"It's time for Ben & Jerry's to announce it will immediately begin transitioning to 100-percent organic," using zero pesticides in production, the OCA said in a post on its website. "Otherwise conscious consumers have no choice but to launch a national and, if necessary, international protest campaign and boycott."





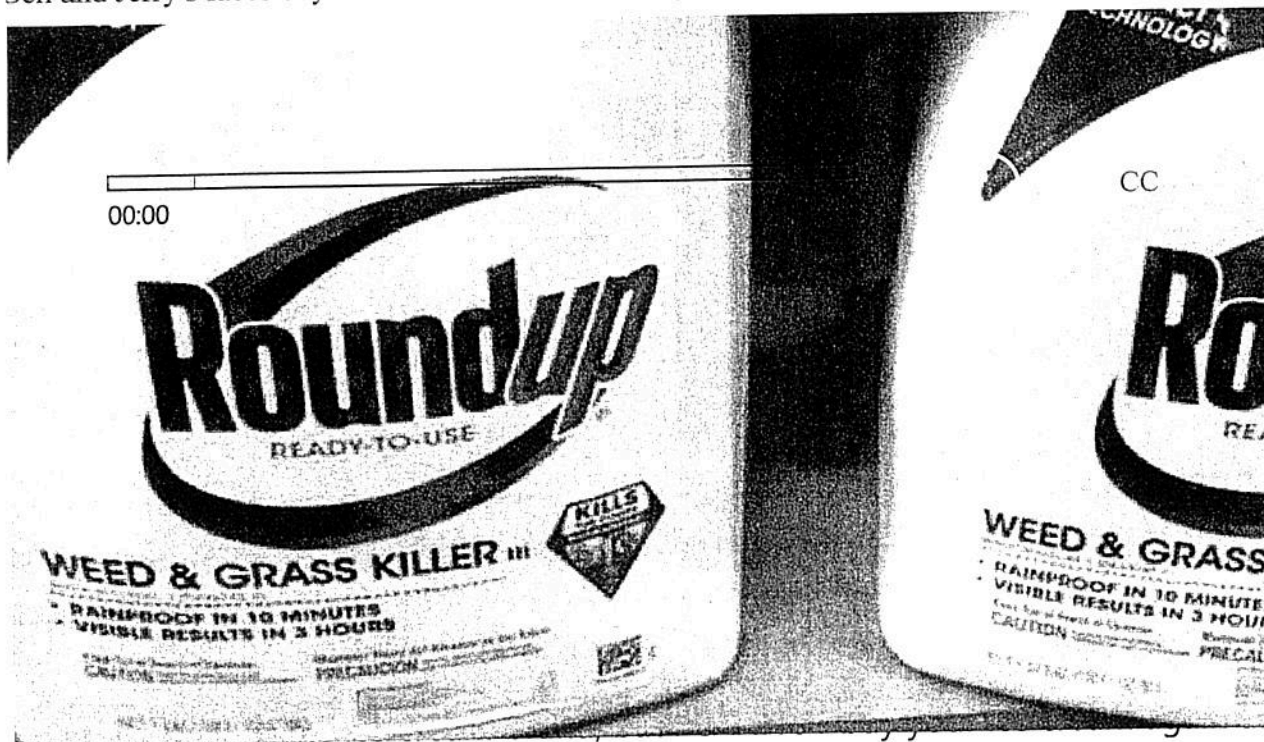
© Provided by Business Insider ben and jerry

The OCA has called for Ben & Jerry's to stop labeling its ice creams as "natural" because the brand's dairy cows consume genetically-engineered corn (the brand told the Times that it is working to find all-natural alternatives). Add-ins, such as peanut butter or cookie dough, containing ingredients that have been sprayed with the weedkiller may also be the source of the glyphosate in the ice creams, according to the Times.

The question of if glyphosate is dangerous to consume is still hotly debated. While the World Health Organization said in 2015 that the weed killer was "probably carcinogenic," Reuters reported in June that scientific data may not fully back that claim.

Despite the continued debate, many customers simply do not want to have a herbicide ingredient in their food. Soon after the Times published its article on the OCA's ice cream test, the brand began receiving complaints and boycott threats on social media.

Video: Roundup May Cause Cancer (Wochit News)



...til it no longer comes up positive for MONSANTO'S GLYPHOSATE," one person wrote on the brand's Facebook page, referring to Roundup's maker and leading G.M.O. seed producer, Monsanto.

.@benandjerrys I don't want @MonsantoCo's #Roundup in my ice cream.☹☹☹☹#GoOrganic!
<https://t.co/rOnGWFOM3y> pic.twitter.com/JF2Dcl62js

— Anna (@annamana) July 25, 2017

Ben & Jerry's, which was founded by Ben Cohen and Jerry Greenfield (who the OCA calls "two affable hippies") in 1978, did not immediately return Business Insider's request for comment. The company has long had a reputation for advocating for the environment and social justice, even after its acquisition by consumer goods giant Unilever in 2001.

PREVIOUS

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Daily Environment Report

September 07, 2017 - Number 173

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Leading the News

Chemicals

Arkema Blasts Highlight Safety Agency Facing Ax Under Trump

A federal agency that could unravel why Arkema's Texas chemical plant exploded after Hurricane Harvey is a tiny office with 40 employees that the Trump administration has proposed to kill.

Chemicals

Harvey Responders Say They Were Sickened by Arkema Plant Blaze

Police officers sickened by fumes from explosions at an Arkema SA chemical plant near Houston accused the company in a lawsuit of not warning them about toxic chemicals that left them vomiting and unable to catch their breath.

Hazardous Waste

Flooded Houston Retailers Face Hazardous Waste Disposal Challenges

Many retailers and other local businesses in Houston damaged by Hurricane Harvey are facing a critical challenge in disposing of hazardous waste, and government agencies are offering little regulatory relief.

Superfund

Irma Could Hit 22 Superfund Sites

The EPA is stopping all clean up work at Florida Superfund sites in preparation for Hurricane Irma as it makes its way toward the peninsula.

News

Air Pollution

China Proposes First Public Pollution Disclosure Requirement

China's major manufacturers for the first time would have to publicly disclose emissions of sulfur dioxide, nitrogen oxides, and other nationally regulated pollutants under a proposal by the Ministry of Environmental Protection.

Chemical Conventions

Rising Chemical Export Requests Could Spur Delays, EU Agency Says

The addition of new chemicals under an international export convention is challenging the European Chemicals Agency with a rising tide of export requests, potentially causing delays for chemicals companies.

Chemicals

Tribes Urge EPA Review of Five Chemicals Found in Landfills

Native American tribes want the EPA to examine how five potentially problematic chemicals end up in open landfills and whether that means the substances should be regulated.

Climate Policy

EU Firm on Climate Pledges Despite U.S. Withdrawal From Pact

Full implementation of the 2015 Paris climate accord should be advocated by the European Union at the forthcoming UN climate summit despite U.S. President Donald Trump's decision to pull out of the agreement, the European Parliament's environment committee decided Sept. 7.

Climate Regulation

Clean Power Plan Repeal Proposal Coming This Fall, EPA Says

The long-awaited proposal to repeal the Clean Power Plan is coming this fall, according to the EPA.

Contribution

Food Additive Maker's Superfund Complaint Too Skimpy

Emerald Kalama Chemical didn't include sufficient facts in its Superfund complaint to put a biosolids recycler on notice of the claims against it, the Western District of Washington ruled (*Emerald Kalama Chem., LLC v. Fire Mountain Farms, Inc.*, 2017 BL 313963, W.D. Wash., No. 17-cv-5472, 9/6/17).

Cost Recovery

Ruling Sinks Shipyard's Superfund Claims

Passive migration of benzene from a former steel mill to an adjoining shipyard, with no "active" conduct by the mill's current owners, doesn't make them liable for a "disposal" under Superfund, the District of Maryland ruled (*SPS LP v. Sparrows Point, LLC*, 2017 BL 313775, D. Md., No. 14-cv-00589, 9/6/17).

Energy

Correction

The article "Rule Expediting Small Natural Gas Exports May Have Limited Impacts" dated Sept. 5 has been corrected to say that applicants cannot export more than 0.14 billion cubic feet per day of natural gas in order to qualify for the expedited approval process offered to small-scale natural gas exporters.

Energy

Energy Regulator Nominees Back Technology-Neutral Stance

Republican and Democratic nominees for the Federal Energy Regulatory Commission agreed that the agency should be technology neutral when it comes to regulating electric power generation, differing from a pro-coal stance of the current FERC chairman.

Energy

Trump's Trade Barrier Push Threatens U.S. Energy Profits, Critics Say

Trade expansion poses the biggest potential boon to U.S. energy companies, yet the Trump administration's rhetoric threatens that prospect, said several speakers at an event to discuss

NAFTA renegotiations.

International Climate

Democrats' Last-Ditch Effort to Aid Climate Fund Falls Short

A last-ditch Democratic effort to restore U.S. spending for a United Nations climate fund was narrowly repelled by Republican Senate appropriators Sept. 7 in a major step for President Donald Trump's campaign to zero out international aid to address climate change.

Mining

Chilean Court Order on Wetlands Impacts May Shut Kinross Mine

The future of Kinross Gold's mining operations in northern Chile could depend on whether the Canadian company successfully appeals a court decision limiting the amount of water it can extract from wells near sensitive wetlands.

Mining

Rare Earth Metals Electrified by China's Illegal Mining Clean-Up

Rare earth metals are booming again as a clampdown on wildcat miners in China crimps supply in the world's biggest producer, while the clean energy boom bolsters their use in everything from electric vehicles to wind turbines.

Motor Vehicles

Ontario to Pick Up Tab for Low-Carbon Commercial Trucks

Ontario businesses that lease or buy vehicles with low carbon dioxide emissions are eligible for rebates of up to 50 percent as part of the province's C\$170 million (\$140 million) incentives package.

Natural Resources

Interior Nominee Seeks Collaboration on Land Management

A nominee for a top role managing energy and other federal land resources said he would collaborate with state, local, tribal, private, and environmental advocacy interests to try to smooth out land management policies.

Pesticides

France Ready to Vote 'No' on EU's Glyphosate Renewal Plan

France will not support a proposal extending the European Union's authorization of glyphosate through 2027 and will work with farmers to find alternatives to the herbicide, according to the prime minister's office.

Renewable Energy

Brazil's Rattled Wind Power Supply Chain Looks Ahead

Suppliers in Brazil are hoping the upcoming energy auctions will kick-start a jittery wind-power sector that's trying to deal with the country's worst recession in decades, officials from several companies told Bloomberg BNA.

Renewable Energy

China Eyes 707 Megawatts of Pilot Wind Farms Free of Subsidies

China, the world's biggest clean-energy investor, selected 707 megawatts of wind power pilot projects that will receive the same subsidy-free payment for electricity as coal plants.

Renewable Energy

South Korea Pours Millions Into Building Solar Panels on Landfills

Landfills are not just for garbage anymore. At least not in South Korea where the government and a landfill operator are coordinating to place solar power facilities at four disposal sites.

Trade Policy

Buoyed by WTO Ruling, Argentina Seeks U.S. Biodiesel Duties Deal

Argentina is negotiating a "price-volume" deal with the U.S. that could suspend preliminary antidumping duties, a Foreign Ministry official said Sept. 7.

Vehicle Fuels

U.S. Ethanol Industry Asks Trump to Intervene in Brazil Dispute

U.S. ethanol producers will ask the Trump administration to intervene in a trade dispute with Brazil as tensions between the industry and foreign competitors continue to escalate.

Wyoming Natural Resource Data Collection Laws Target Free Speech

A challenge to a pair of Wyoming laws that restrict the ability to collect natural resource data on public lands was reinstated by the U.S. Court of Appeals for the Tenth Circuit (Western Watersheds Project v. Michael, 2017 BL 314483, 10th Cir., No. 16-cv-8083, 9/7/17).

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Daily Environment Report for EPA

Duffy, Rick

From: [REDACTED] Ex 6
Sent: Tuesday, September 19, 2017 11:21 AM
To: [REDACTED], Duffy, Rick [REDACTED] Ex 6
Subject: FYI state message on the dicamba situation

Today's meeting between EPA and state pesticide programs resulted in a summarized message on the observations across much of the southern and central states related to crop damage from dicamba use on new dicamba-resistant seeds. There is general agreement that the US has never had a crop impact situation similar in size and scope presented by dicamba herbicides and the dicamba-resistant seeds out in the field in use over the last two years.

In comparison, over the last 20 yrs a state may have received ~300 complaints on glyphosate use. In one grow season Missouri has received over 300 crop damage complaints for investigation from dicamba herbicides. In addition to the concerns with significant crop damage, the number of complaints received by state programs is overwhelming resources and not sustainable. OPP continues to have discussions with the pesticide registrants, collect data, and consider options in conjunction with the conditional registrations granted on the dicamba herbicides.

[REDACTED] Ex 6

Ex 6 = EXemption 6



From: Bloomberg BNA <bloomberg@bna.com>
Sent: Tuesday, October 24, 2017 8:36 PM
To: Duffy, Rick
Subject: Oct. 25 -- Daily Environment Report

**Bloomberg
BNA**



Daily Environment Report

October 25, 2017 - Number 205

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Leading the News

Chemicals

Democrats See TSCA as Achilles' Heal for Trump Chemical Nominee

Some Senate Democrats are trying to cast doubt on President Trump's pick to head the EPA chemical safety office by appealing to Republican fears that the nominee won't aggressively implement a bipartisan chemical reform law.

Chemicals

States Struggle to Set Standards for Hundreds of Toxics

Several Northeastern state governments are feverishly working to find and clean up two emerging chemicals considered toxic that have contaminated water and soil around the country, but toxicologists say states are missing hundreds more that are related with unknown health risks.

Energy

Coal Power Generators Lukewarm on Grid Plan That Aims to Help Them

Dynegy Inc., and some other coal power generators are poised to profit from Energy Secretary Rick Perry's plan to change power market rules, but that doesn't mean they have thrown their full support behind it.

Energy

Energy Bid to Support Coal, Nuke Plants Called Illegal

An Energy Department proposal aimed at subsidizing coal and nuclear plants would violate the Federal Power Act and the Administrative Procedure Act, regional grid operators, a group of 10 state attorneys general, and legal experts say.

Regulatory Policy

House Passes Bill Targeting Environmental Settlements

A House-passed bill that would end a Justice Department practice of entering into settlements that steer funds to third-party groups faces an uncertain future in the Senate.

News

Agriculture

Broader Crop Insurance, Conservation Are Coalition's Goals for Farm Bill

Expanding crop insurance to cover all types of farms, boosting access to land for new farmers, and conserving farmland shape the National Sustainable Agriculture Coalition's policy agenda for the upcoming farm bill.

Agriculture

Organic Fertilizers Seek Even Playing Field in European Markets

Fertilizers produced from organic or recycled materials in the European Union would be treated similarly to those derived from potash and other extracted minerals under a plan backed by lawmakers Oct. 24.

Air Pollution

EPA Transportation Pollution Guidance Stands, Court Says

States will continue to use the EPA's guidance, updated in 2015, to measure particulate pollution caused by building federally-funded highways after a federal appellate court dismissed challenges from environmental groups.

Air Pollution

Poles Told Not to Burn Garbage as Another Winter of Smog Looms

Poland is hoping a media campaign will help it clean up the European Union's most polluted cities.

Biofuels

Agriculture Companies Could See EU Biofuel Market Phased Out

Bunge Limited, Cargill Inc. and other companies in the European Union that produce biofuels from feed and food crops would eventually lose a major share of their market under a draft European Parliament plan to phase out the least sustainable biofuels after 2030.

Biofuels

Argentina, Indonesian Biodiesel Face U.S. Dumping Penalty

The U.S. moved to impose more import duties on biodiesel from Argentina and Indonesia, after finding the fuel is being sold below fair market value.

Biofuels

In Washington Clash of Industries, King Corn Trounces Big Oil

Farm-state interests just conquered Big Oil in a fight over biofuels, proving that in Donald Trump's Washington, King Corn still reigns.

Chemicals

Chemours' Chemical Actions Spur N.C. to Retain Wastewater Permit

The Chemours Co. can keep its wastewater discharge permit for its facility in Fayetteville, N.C., because of work the company has done to address contamination involving a substitute for the widely used chemical perfluorooctanoic acid (PFOA), state regulators say.

Climate Policy

Incoming New Zealand Government Plans for New Climate Law

New Zealand Prime Minister-elect Jacinda Ardern will introduce a new greenhouse gas reduction law and establish an independent climate commission after taking office this week, signaling a tougher stance on climate change.

Climate Policy

Trump's 'Beautiful' Clean Coal Push Spills into Asia

President Donald Trump's friendly stance toward coal is bubbling over into Asia, albeit in a cleaner version of the fuel, according to a Japan-based energy think-tank.

Energy

King Coal Reign Has a Ways to Go in at Least One Corner of World

Southeast Asia isn't ready to quit coal just yet.

Energy

Millennium Sues Washington State, Alleges Anti-Coal Bias

Millennium Bulk Terminals sued Washington state's ecology department Oct. 24, asserting the agency's "animus" toward coal led it to deny a water-quality permit for what would be the nation's largest coal-export gateway to Asia.

Energy

One Rare Thing to Watch for in Quarterly Coal Earnings: A Profit

After years of bleeding cash and a painful string of bankruptcies, U.S. coal miners are poised to do something rare—enjoy an earnings season.

Energy

Republicans Vow to Examine Puerto Rico's Electricity Contract

House Republicans say they will examine how a tiny two-year-old Montana company won the \$300 million contract to lead the rebuilding of Puerto Rico's hurricane-ravaged electric grid.

Mergers and Acquisitions

Nufarm Buys Syngenta Europe Crop Chemicals for \$490 Million

Nufarm Ltd. agreed to pay \$490 million for a group of crop-protection assets owned by Syngenta SA and Adama Agricultural Solutions Ltd. in the biggest acquisition by the Australian company.

Oil & Gas

Fuel Tankers Could Be Limited on Hudson River Under N.Y. Bill

Petroleum tankers could be prohibited from entering or anchoring on certain parts of the Hudson River, under a bill (A. 6825) signed by New York Gov. Andrew M. Cuomo (D).

Oil Spills

Oil Barge Company to Pay Millions More for Massachusetts Spill

An oceangoing oil barge company's legal deal with state and federal officials to restore bird populations that had plummeted following a large Massachusetts oil spill took 14 years to work out.

Pesticides

European Parliament Calls for Glyphosate Phaseout Ahead of Vote

The European Union should reauthorize the use of glyphosate for a limited period before phasing it out, according to a nonbinding resolution European Parliament lawmakers adopted one day before a key regulatory committee vote on the world's most widely used herbicide.

Pesticides

Registration Delays Expected as China Launches Pesticide Regime

DuPont and other companies that want to manufacture or import pesticides in China are bracing for delays after the country launched a new testing and registration regime.

Renewable Energy

Developers Plan Wind Farms Off Jersey Shore as Christie Era Ends

After years of being sidelined by New Jersey Governor Chris Christie, wind farm developers are dusting off plans for massive offshore turbines that may someday generate more electricity than a nuclear reactor.

Sustainability

World's Biggest Companies Are Getting Greener, Nonprofit Says

A growing number of the world's biggest companies are setting greenhouse-gas targets in line with global efforts to curb global warming to below 2 degrees Celsius.

Toxic Chemicals

Dow, BASF Beat Kasowitz Firm's Whistleblower Claims

BASF, Dow Chemical, Covestro LLC and Huntsman International have beaten federal whistleblower claims alleging that they failed to report chemical dangers (United States ex rel. Kasowitz Benson Torres LLP v. BASF Corp., 2017 BL 378811, D.D.C., No. 16-2269, 10/23/17).

Toxic Torts

Government Off the Hook for Army Base Pollution

A proposed class of residents alleging improper chemical disposal at a Frederick, Md., Army base contaminated their groundwater can't sue the government, an appeals court affirmed Oct. 20 (Pieper v. United States, 4th Cir., No. 16-2035, unpublished 10/20/17).

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